

**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	)	
	)	
Stewart COLE et al.	)	Group Art Unit: 1645
	)	
Application No.: 10/510,021	)	Examiner: Rodney P. Swartz
	)	
Filed: October 1, 2004	)	
	)	
For: IDENTIFICATION OF VIRULENCE	)	Confirmation No.: 3824
ASSOCIATED REGIONS RD1	)	
AND RD5 LEADING TO IMPROVE	)	
VACCINE OF M. BOVIS BCG AND		
M. MICROTI		

**Mail Stop AF**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL UNDER 37 C.F.R. § 41.31**

Sir:

Applicant appeals to the Board of Patent Appeals and Interferences from the  
Examiner's decision mailed March 16, 2010.

The items checked below are appropriate:

1.    ☒    Applicant has previously filed a Petition for extension of time extending the period for response to the outstanding Office action to September 16, 2010.
2.    ☒    The Notice of Appeal Fee of \$540.00 ☒ is enclosed.

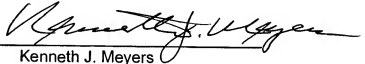
Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: September 14, 2010

By:



Kenneth J. Meyers  
Reg. No. 25,146  
(202) 408-4033  
Fax: (202) 408-4400  
E-mail: Ken.Meyers@finnegan.com